

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 1.235.001 WO	FOR FURTHER ACTION	See item 4 below
International application No. PCT/NL2004/000369	International filing date (<i>day/month/year</i>) 24 May 2004 (24.05.2004)	Priority date (<i>day/month/year</i>) 22 May 2003 (22.05.2003)]
International Patent Classification (IPC) or national classification and IPC 7 A63B 9/00, A63H 33/04, 33/10		
Applicant RAYS CONCEPT DEVELOPMENT		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).																								
2.	This REPORT consists of a total of 6 sheets, including this cover sheet. In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 60%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input checked="" type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 25 November 2005 (25.11.2005)
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

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To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/NL2004/000369

International filing date (day/month/year)
24.05.2004

Priority date (day/month/year)
22.05.2003

International Patent Classification (IPC) or both national classification and IPC
A63B9/00, A63H33/04, A63H33/10

Applicant
RAYS CONCEPT DEVELOPMENT

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

10/564455

International application No.
PCT/NL2004/000369

IAP20 Rec'd PCT/PTO 12 JAN 2006

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/NL2004/000369

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3,5,6,17-19
	No: Claims	1,2,4,7-16,20
Inventive step (IS)	Yes: Claims	6
	No: Claims	3,6,17-19
Industrial applicability (IA)	Yes: Claims	1-20
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

10/564455

International application No.

IP20 Rec'd PCT/770 12 JAN 2006
PCT/NL2004/000369

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Claim 1 refers generally a building element for constructing a play apparatus comprising support element(s) and connectors. Consequently, the cited documents include references to building blocks, playground apparatus and even scaffolding (a device for assembling spaced structural elements, i.e. climbing rack).

CA-A-1 324 886 discloses building blocks linked by separate Velcro strips. The free ends thereof (before fixing to a second block) can swivel with respect to the blocks (see figs.). This effect is better shown in DE-U-296 09 784. The Canadian document further specifies that this system can be used for a wide range of objects from small constructions for small children up to (bullet-proof) shelters (p. 10, l. 8-20).

The subject-matter of claims 1, 12 and 20 is not novel.

It is obvious for the skilled person that such soft blocks could also be used to create a fall-absorbing floor which can be connected to any structure using the same strips.

The subject-matter of claims 17 and 19 does not involve an inventive step in respect of these documents.

The subject-matter of claims 2-5, 7-11, 13-16, 18 and is either known from, obvious in respect of the documents cited in the search report or obvious for the skilled person:

Claim 2: A force conductor of some kind must always be present between connectors otherwise the play apparatus would not stay together.

Claim 3, 4: US-A-5 356 354 shows padded elements. This teaching could be applied to US-A-4 900 183 if the spaced structural elements were intended to create a climbing rack. A resilient surface is generally desirable for toys especially for smaller children.

Claim 5 The wording of this claim also seems to apply to a construction made of long thin balloons connected by bits of bendable wire tied around the thin twisted parts.

Claim 6 Rotation moulding has been disclosed in connection with the construction of a platform for mounting play structures, see AU-B-61919/90, but not for building elements as such.

Claims 7-11 The geometrical forms defined in this claims for elements and connectors are generally known from the prior art. The Velcro connecting strips are uniform and can obviously be connected to the end of the elements.

Claims 13-16 Stackable couplings are known from DE-C-473 249 ("Abb." 9) and US-A-4 900 183 (fig. 1). The wording of claim 1 can also be read on these disclosures.

Locking means are known from DE-C-473 249 ("Abb." 7), US-A-4 900 183 (screw (6)) and US-5 638 853 (screws). The wording of claim 1 can also be read on the latter document.

Claim 18 US-A-5 334 098 teaches to leave some space on the fall absorbing base outside the periphery of the construction. Depending on circumstances it is up to the skilled person to extend this safety zone. Connectors for the upright structure are obviously not needed in this zone.